



Docket: HSJ920030123US1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

INVENTORS: **Satoshi Yamamoto**

SERIAL NO.: **10/673,768** **GROUP ART UNIT: 2651**

FILED: **09/29/03** **EXAMINER: Jason C. Olson**

FOR: **Method For Self-Servo Writing A Disk Drive With A Dual-
Stage Actuator**

Commissioner for Patents
Alexandria, VA 22313-1450

DECLARATION

Dear Sir:

I, Darren Gold, do declare as follows:

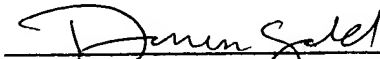
1. I am currently the responsible attorney at Hitachi GST for patent applications with serial numbers 10/673,768 and 10/673,771.
2. These two patent applications became confused when the serial numbers and Hitachi GST docket numbers were mixed up at the USPTO. The serial numbers given to the applications on the postcards were reversed on the filing receipts. The first application was given serial number 10/673,768 on the postcard and 10/673,771 on the filing receipt. The second application was given serial number 10/673,771 on the postcard and 10/673,768 on the filing receipt. As described in ¶14, Hitachi GST further recently realized that the titles for the two applications were also reversed on the filing receipts.
3. Hitachi GST became aware of the mix up on September 23, 2004. At that point, steps were taken with the USPTO to try to correct the serial numbers.
4. Due to the circumstances described above, the applications were not properly docketed at Hitachi GST.
5. Therefore, I was unaware that a response to the USPTO was due for either application until the receipt of a notice of abandonment as described in ¶6.

6. On October 24, 2005 Hitachi GST received a letter from outside counsel advising Hitachi GST of the abandonment of 10/673,768. Around that point, I became aware that action was required on the patent applications with serial numbers 10/673,768 and 10/673,771.
7. Since about November 4, 2005, I have been trying to determine the proper course of action to take with the two patent applications and preparing the documents to correct the files.
8. On December 5, 2005, I briefly discussed the cases with the Examiner and informed the Examiner I would file Petitions to Revive the applications.
9. On December 19, 2005, I called the Examiner again to determine if all the documents in the two cases were in order and in the proper files. Further, I inquired with him to determine the steps I should follow to undo any mix up of the files at the USPTO. This included correcting the serial numbers and moving papers between the files so that the files were corrected.
10. On December 23, 2005, The Examiner informed me of steps to take to get the files in order. He also informed me to contact a SPREE named Mr. Dwayne Bost for further information.
11. After Christmas, during the week of January 9, I contacted Dwayne Bost and asked what to do to properly alleviate any mix-up in the files and to correct the serial numbers assigned to the cases. After a few days, he informed me to contact Ms. Nicol in the Assignment Department and Ms. Robinson in the Office of Initial Patent Examination to determine the steps to follow to correct the serial number reversal and to put the files in order.
12. I then called Ms. Nicol and Ms. Robinson to determine the proper actions to take to correct and untangle the two files. Ms. Nicol informed me to file a corrected assignment with the USPTO. Corrected assignments are enclosed. Ms. Robinson informed me that another member, Mr. Williams, of the Office of Initial Patent Examination department would call me the following week when he returned from a vacation to help correct the files.
13. When I did not receive a call, on January 30 I called the Office of Initial Patent Examination to determine the status of my inquiry. After leaving several messages, on February 2, I was able to talk with Ms. Stokes of the Office of Initial Patent Examination. She informed me that the files were in proper order (other than the assignments). She also informed me the reason the files were in proper order was because the filing receipt contained the official serial number for each file and that a postcard with a different serial number was not official.

14. At this point I determined that the steps to be taken were to file Petitions for Revival for each file and corrected assignments for each file. Since that time Hitachi GST was working to properly finish the paperwork including the petitions and corrected assignments to file with the USPTO. As Hitachi GST was about to file the documents, we recognized that the USPTO also mistakenly switched the titles for the two applications on the official filing receipts. This means that the titles on the official filings receipts are incorrect. Therefore, Hitachi GST is additionally filing Requests for Corrected Filing Receipts to change the titles to the proper title for each patent application so as to be consistent with the USPTO's serial numbers and file histories.

Date: 3-7-06

By:



Darren Gold (#47,599)

Attorney for Applicant

Hitachi Global Storage Technologies

Intellectual Property Law

5600 Cottle Road (NHGB/142)

San Jose, CA 95193

(408) 717-5904